



Teaching
Regulation
Agency

Mrs Alison Louise Enoch: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

March 2020

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Mrs Alison Louise Enoch
Teacher ref number:	3450881
Teacher date of birth:	21 December 1972
TRA reference:	17125
Date of determination:	9 March 2020
Former employer:	Middleton St Mary's CE (VC) Primary School

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 9 March 2020 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mrs Alison Enoch.

The panel members were Mr Mark Tweedle (former teacher panellist – in the chair), Ms Alison Walsh (teacher panellist) and Ms Surinder Dhillon (lay panellist).

The legal adviser to the panel was Mr Delme Griffiths of Blake Morgan LLP, solicitors.

The presenting officer for the TRA was Mr Stephen Hocking of DAC Beachcroft LLP, solicitors.

Mrs Enoch was not present and was unrepresented.

The hearing took place in public and was recorded.

B. Allegation

The panel considered the allegation set out in the Notice of Proceedings dated 19 December 2019 (“the Notice”).

It was alleged that Mrs Enoch was guilty of a conviction of a relevant criminal offence in that:

1. On 15 March 2018, she was convicted at York Crown Court of assault of a person thereby occasioning them actual bodily harm (an offence contrary to s47 Offences Against the Person Act 1861) and on 27 March 2018 was sentenced to 20 months imprisonment and a victim surcharge of £140 in the same Crown Court

Mrs Enoch did not admit the facts of the allegation or that the conviction was a relevant criminal offence.

C. Preliminary applications

Application to proceed in the absence of Mrs Enoch

The panel considered an application from the presenting officer to proceed in the absence of Mrs Enoch.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones* [2003] 1 AC 1 (as considered and applied in subsequent cases, particularly *GMC v Adeogba*; *GMC v Visvardis* [2016] EWCA Civ 162).

The panel was satisfied that the Notice had been sent in accordance with Rules 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession ("the Procedures") and that the requirements for service had been satisfied.

Whilst there was an error within the notice, in that it wrongly alleged that Mrs Enoch was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, this was an administrative error. It did not negate from the fact that proper notice had been given and Mrs Enoch was not, in the panel's view, prejudiced in any way. It was clear, from the notice as a whole, what was alleged against her.

Mrs Enoch was clearly aware of the proceedings and had been in correspondence with the TRA. She had responded to the Notice and confirmed that she did not intend to be present or represented.

The panel went on to consider whether to proceed in Mrs Enoch's absence or to adjourn, in accordance with Rule 4.29 of the Procedures.

The panel had regard to the fact that its discretion to continue in the absence of a teacher should be exercised with caution and with close regard to the overall fairness of the proceedings. The panel gave careful consideration to the fact that Mrs Enoch is not in attendance and will not be represented at this hearing, should it proceed, and the extent of the disadvantage to her as a consequence.

On balance, the panel decided that the hearing should continue in the absence of Mrs Enoch for the following reasons:

- The panel was satisfied that Mrs Enoch's absence was voluntary and she had waived her right to attend. It was clear that she had the benefit of advice from her representative and that her decision not to attend was a considered one.

- There was no indication that Mrs Enoch might attend at a future date and no purpose would be served by an adjournment. This case had already been adjourned on a previous occasion such that Mrs Enoch had been given every opportunity to attend.
- There is a public interest in hearings taking place within a reasonable time. In this instance, the panel was also satisfied that it was in Mrs Enoch's interests to proceed to conclude these proceedings.
- There is an obligation on all professionals who are subject to a regulatory regime to engage with their regulator.

Having decided that it was appropriate to proceed, the panel would strive to ensure that the proceedings are as fair as possible in the circumstances, bearing in mind that Mrs Enoch is neither present nor represented.

D. Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Chronology, identification key and list of roles – Not used

Section 2: Notice of Hearing and related correspondence – pages 3 to 16

Section 3: Teaching Regulation Agency witness statements – Not used

Section 4: Teaching Regulation Agency documents – 19 to 38

Section 5: Teacher documents – pages 40 to 44

Section 6: New documents for hearing on 9 March 2020 – pages 45 to 72

Witnesses

No witnesses were called, and the panel did not hear oral evidence from Mrs Enoch.

E. Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered this case and reached a decision.

The panel read all of the documents included in the hearing bundle. It accepted the legal advice provided.

Mrs Enoch was employed as a teacher at Middleton St Mary's Church of England Voluntary Controlled Primary School ("the School").

Mrs Enoch started work at the School on 1 January 2017.

In February 2017, the School was notified by Mrs Enoch that she and her husband had been arrested on suspicion of committing an assault.

Mrs Enoch was subsequently charged, along with her husband, with assault occasioning bodily harm contrary to section 47 of the Offences Against the Person Act 1861.

Mrs Enoch pleaded not guilty to the offence and the proceedings continued to trial. Mrs Enoch remained employed by the School in the intervening period.

The trial was heard in the Crown Court in York in March 2018. At the conclusion of the trial, Mrs Enoch was found guilty.

On 16 March 2018, Mrs Enoch resigned from her position at the School.

On 20 March 2018, Mrs Enoch was sentenced to twenty months imprisonment and she was subsequently referred to the TRA.

Findings of fact

Our findings of fact are as follows:

- 1. On 15 March 2018, you were convicted at York Crown Court of assault of a person thereby occasioning them actual bodily harm (an offence contrary to s47 Offences Against the Person Act 1861) and on 27 March 2018 were sentenced to 20 months imprisonment and a victim surcharge of £140 in the same Crown Court**

The panel was presented with a certificate of conviction from the Crown Court at York.

This confirmed that Mrs Enoch was convicted, on 15 March 2018, of assault upon a person occasioning them actual bodily harm. On 27 March 2018, she was sentenced by the Court to 20 months imprisonment and was required to pay a victim surcharge of £140.

The panel carefully considered all of the evidence within the hearing bundle relating to the circumstances of this offence. This included the remarks of the judge at the sentencing hearing on 27 March 2018, which described the assault on the victim by Mrs Enoch and her husband in the following, stark terms:

"You went to the caravan, his mother's caravan where he was staying. In your minds I am sure this was a revenge attack on a man that you knew, because you had been told, was

recovering from surgery which he had just undergone the previous week. And so in the small hours of the morning you forced your way into the caravan. ...

You took him by the throat, threatened him, and thereafter you put him to the floor where he was savagely and repeatedly kicked, punched, slapped, and stamped all over. When one of you stopped, the other of you started."

The panel accepted the certificate of conviction as conclusive proof of the commission of the offence by Mrs Enoch and accordingly found the allegation proved.

Findings as to conviction of a relevant offence

Having found the allegation proved, the panel went on to consider whether Mrs Enoch's conviction was for a relevant criminal offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mrs Enoch in relation to the facts found proved involved breaches of the Teachers' Standards. It considered that by reference to Part Two, Mrs Enoch is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - showing tolerance of and respect for the rights of others; and
 - not undermining the rule of law.

The panel considered that Mrs Enoch's actions were relevant to teaching, working with children and working in an education setting. The offence concerned a serious act of violence which the court described as a "*brutal revenge attack*". Mrs Enoch had a duty to act as a role model and the panel considered that her actions fell very far short of the standard of behaviour expected.

The panel noted that her actions, in committing the offence in question, clearly impacted upon the safety and security of a member of the public, namely the victim of the assault.

The panel also took account of how the teaching profession is viewed by others. The panel considered that Mrs Enoch's behaviour in committing the offence was highly likely to affect public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community. In particular, this is a case involving a serious act of violence. The sentencing judge concluded:

"It is agreed that this falls into the most serious category of assault because it was a sustained attack, shod feet were used; and there was a significant degree of premeditation... it is made worse by the location, in what was effectively his home; the

timing; the drink that you had both taken; and the threats that were issued to him, to attempt to prevent him from reporting the attack to the police."

The panel noted that Mrs Enoch's behaviour ultimately led to her receiving a sentence of imprisonment, which is indicative of the seriousness of the offence of violence committed.

The panel did take account of the wider circumstances in which the offence took place.

It was apparent that Mrs Enoch was the recipient of unwanted physical attention and that formed the backdrop to what ultimately occurred.

However, this did not justify, to any extent, the response of Mrs Enoch and her husband. The appropriate response, had she and her husband considered that she was the victim of inappropriate behaviour, was to have reported the matter to the police, not take the law into their own hands.

The panel was not aware of any other mitigating circumstances in relation to the commission of the offence and nor does it have clear evidence attesting to Mrs Enoch's record as a teacher. There is very limited evidence before the panel as to Mrs Enoch's personal circumstances, both now and at the relevant time.

On balance and having carefully considered all of the evidence, the circumstances of the offence and Mrs Enoch's position, the panel has found the seriousness of the offending behaviour that led to the conviction is relevant to her ongoing suitability to teach. The panel accordingly considered that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct so as to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the protection of other members of the public, the maintenance of public confidence in the profession and the declaring and upholding proper standards of conduct

In light of the panel's findings against Mrs Enoch, which involved a conviction for a serious offence of violence resulting in a custodial sentence, there was a strong public interest consideration in respect of the protection of members of the public.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Enoch were not treated with the utmost seriousness when regulating the conduct of the profession. She had been found by the court to have carried out a "*brutal revenge attack in the equivalent of a victim's home*". Her actions had "*a significant degree of premeditation*" and the attack had a lasting effect on the victim.

The panel was also of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was present. The conduct found against Mrs Enoch was outside that which could reasonably be tolerated.

The panel also considered whether there was a public interest in retaining Mrs Enoch in the profession.

No doubt had been cast upon Mrs Enoch's abilities as an educator and there was some positive evidence available as to Mrs Enoch's previous practice. Although that evidence was limited, the panel was prepared to accept that she was regarded as a competent teacher. Nevertheless, as the evidence before it was limited, the panel did not consider that there was a particularly strong public interest consideration in retaining Mrs Enoch in the profession.

In view of the public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mrs Enoch.

In carrying out the balancing exercise the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mrs Enoch.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.
- actions or behaviours that undermine ... the rule of law.
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though some of the behaviours found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

In light of the panel's findings it considered that the following mitigating factors are present in this case:

- Mrs Enoch appeared to have had a long career in education and an otherwise unblemished record. There was no evidence that Mrs Enoch had been subject to any previous regulatory or disciplinary proceedings. There was no evidence of any prior complaints in relation to her conduct and there was reference to there having been no concerns about her practice at the School.
- The panel was presented with some positive references, which were carefully considered.
- It appeared that Mrs Enoch had been open with the School from the outset in relation to her arrest.
- Mrs Enoch has engaged, to some extent, with the TRA.
- There was some element of provocation, though for the reasons already set out this by no means justified the response of Mrs Enoch and her husband, in that it appeared that the assault resulted from unwanted physical contact of a sexual nature.
- The conduct did not occur in the course of her duties.
- There was some, limited evidence of remorse insofar as Mrs Enoch had referred to being ashamed of having been to prison. There were various references to the impact of the conviction and imprisonment upon her.

Weighed against this, the aggravating features in this case were that:

- Mrs Enoch's actions were deliberate and there was a concerning element of premeditation.
- Mrs Enoch has been convicted of a serious offence of violence and received a custodial sentence.
- Mrs Enoch's actions amounted to a clear breach of the Teachers' Standards.
- Mrs Enoch had not attended to give evidence. In those circumstances, the panel was unable to address what insight Mrs Enoch may have gained. Whilst Mrs Enoch was entitled to continue to deny the commission of the offence, she had not

set out that she at least accepted the findings of the court. There was no reference to what lessons had been learnt and what she would do differently. There was no expression of regret or remorse in relation to the impact on the victim. In those circumstances, whilst Mrs Enoch may have been ashamed of having been imprisoned, the panel was not satisfied that she had shown anything other than very limited insight.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mrs Enoch of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. It decided that the public interest considerations outweighed the interests of Mrs Enoch. The nature and gravity of the offence was a significant factor in forming that opinion. As noted above, in acting as she did, the court had concluded that Mrs Enoch had committed a brutal revenge attack that had a lasting effect on the victim. There was, accordingly, a particularly strong public interest consideration in terms of public confidence in the teaching profession and the declaring of proper standards of conduct in this case. Mrs Enoch's behaviour led to her receiving a lengthy sentence of imprisonment, which is indicative of the gravity of the offence.

Accordingly, having carefully considered all of the circumstances in this case including the mitigating factors that were present, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include violence which, given the nature of Mrs Enoch's conviction, was clearly present in this case.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

The panel considered that Mrs Enoch's conduct is at the most serious end of the spectrum having regard to the nature and circumstances of the offence, including the impact on the victim. Further, there was only limited evidence of remorse, regret or insight.

The panel concluded that the public interest considerations present in this case, as set out above, pointed heavily in favour of there being no review period. On balance, the panel accordingly considered the findings indicated a situation in which a review period would not be appropriate. The panel took particular account of the aggravating factors identified above. It therefore decided that it would be proportionate in all the circumstances for the prohibition order to be recommended without provision for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mrs Enoch should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mrs Enoch is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - showing tolerance of and respect for the rights of others; and
 - not undermining the rule of law.

The panel also noted that her actions, in committing the offence in question, “clearly impacted upon the safety and security of a member of the public, namely the victim of the assault.”

The findings of a relevant conviction are particularly serious as they include a finding of serious violence.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would

achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mrs Enoch, and the impact that will have on her, is proportionate, necessary and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed that it, “considered that Mrs Enoch's actions were relevant to teaching, working with children and working in an education setting. The offence concerned a serious act of violence which the court described as a “*brutal revenge attack*”. Mrs Enoch had a duty to act as a role model and the panel considered that her actions fell very far short of the standard of behaviour expected.”

A prohibition order would therefore prevent such risk from being present in the future. I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “There was no expression of regret or remorse in relation to the impact on the victim. In those circumstances, whilst Mrs Enoch may have been ashamed of having been imprisoned, the panel was not satisfied that she had shown anything other than very limited insight.”

In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel considered that Mrs Enoch's behaviour in committing the offence was highly likely to affect public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community. In particular, this is a case involving a serious act of violence.”

I am particularly mindful of the finding of serious violence in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mrs Enoch herself. The panel comment, "Mrs Enoch appeared to have had a long career in education and an otherwise unblemished record. There was no evidence that Mrs Enoch had been subject to any previous regulatory or disciplinary proceedings. There was no evidence of any prior complaints in relation to her conduct and there was reference to there having been no concerns about her practice at the School."

A prohibition order would prevent Mrs Enoch from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the seriousness of the violence, "She had been found by the court to have carried out a *"brutal revenge attack in the equivalent of a victim's home"*. Her actions had *"a significant degree of premeditation"* and the attack had a lasting effect on the victim."

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Enoch has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel's comments "Mrs Enoch's conduct is at the most serious end of the spectrum having regard to the nature and circumstances of the offence, including the impact on the victim. Further, there was only limited evidence of remorse, regret or insight."

I have considered whether allowing for a no review period reflects the seriousness of the findings and is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. In this case, there are factors which mean that a no review period is proportionate and necessary to achieve the aim of maintaining public confidence in the profession. These elements are the serious violence, the length of the custodial sentence and the lack of either insight or remorse.

I consider therefore that allowing for a no review period is required and necessary to satisfy the maintenance of public confidence in the profession.

This means that Mrs Alison Enoch is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations

found proved against her, I have decided that Mrs Alison Enoch shall not be entitled to apply for restoration of her eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Mrs Alison Enoch has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in blue ink, appearing to read 'Alan Meyrick', with a checkmark at the end.

Decision maker: Alan Meyrick

Date: 11 March 2020

This decision is taken by the decision maker named above on behalf of the Secretary of State.